

REMARKS/ARGUMENTS

Amendments in General / Claim Rejections - 35 USC §112

1. Claims 1 and 8 have been amended to overcome the objections cited by the Examiner under 35 USC §112. In particular, amendments have been made which remove the reference that the mid-circumferential plane circumvolves the cylinder and the reference to each row has been replaced with words every row. These amendments add no new matter to the application and acceptance of these amendments, and withdrawal of the Examiner's rejections in view of these amendments is respectfully requested.
2. Claim 6 of the application has been amended to remove the reference to "said straight lines" as such Applicant respectfully submits that the Examiner's rejection has been overcome and requests withdrawal of the Examiner's rejection of these claims under 35 USC §112.
3. Claims 1 and 8 have also been amended to specify that the cylinders of the present invention are generally uniformly cylindrical, meaning that these cylinders have a generally uniform diameter. Support for this amendment is shown in the drawings of the application. This amendment adds no new matter to the application and acceptance of this amendment is respectfully requested.

Claim Rejections - 35 USC §102

4. The Examiner rejected claims 1-7 under §102(b) as being anticipated by Sato.
5. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.
6. Claims 1 and 8 have been amended to include the limitation that the roller is generally uniformly cylindrical, meaning that the outer diameter of the present invention is generally uniform along the distance between the first and second ends of the cylinder.
7. The Sato reference is not uniformly cylindrical. The outer diameter of the outer portion of the roller in the Sato reference decreases or tapers toward the center portion of the cylinder. In the Sato reference, this structure is required because the Sato invention holds logs while they are being peeled for later use, while the present invention utilizes a uniformly cylindrical roller to pull and crush material that is being fed into a hammermill grinder, wherein the material will be ground up and destroyed. The ends of the two inventions are opposite and the structures of the two devices are also opposite. As a result, Applicant respectfully submits that the claims of the

present invention are not anticipated by the Sato reference and respectfully requests withdrawal of the Examiner's rejection of these claims on the grounds of anticipation.

Claim Rejections - 35 USC § 103

8. The Examiner rejected claims 8 and 9 under §103(a) as being unpatentable (obvious) in view of Sato when combined with Hutchinson.

9. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j).

10. The law regarding obviousness is clear--any modification of the prior art must be suggested or motivated by the prior art.

11. The Sato and the Hutchinson references teach opposing ways of obtaining the same result, which is a result that is completely separate and apart from the teachings of the present invention.

12. The Sato reference teaches the presence of a pair of frustoconically-tapered ends that are interconnected and which hold and pull a log through a set of peeling blades. The Sato reference teaches a generally longitudinal attachment of the rollers.

13. The Hutchinson reference teaches the presence of a pair of teeth connected to chains that are generally vertically suspended so that when these chains are moved the suspended teeth engage the log and peel the sides of the log.

14. The Sato and the Hutchinson references each engage the log in different orientations, and there is no motivation or suggestion to combine these references to attempt to achieve what the Applicant has done.

15. The Sato reference is directed to a roller device that holds and directs the passage of a log through a log-peeling device. The Hutchinson reference also teaches a device for maintaining such a log in a position where upon it may be acted upon by anyone of a variety of types of devices. However, rather than utilizing dually tapered cones that are interconnected top and bottom and pushing a log through these devices by the rotation of these devices, the Hutchinson device utilizes teeth connected to chains that engage the logs laterally to perform this same task.

16. The device described in the Sato reference requires that the tapered rollers described in that invention, be positioned and held in contact with one another. See Sato col. 3, lines 1-5. The Hutchinson invention however, requires that a minimum amount of space be left between the teeth and the chain so as to prevent the chain from binding. To achieve this desired level of spacing, intermeshed sector gears 18 are dimensioned and positioned so as to allow the spacing between the materials to be maintained. Utilizing an uneven tooth in the Sato device could cause the device to bind and therefore cease to function. Therefore, there is no motivation to combine the references as was cited by the Examiner.

17. Even if the Sato and the Hutchinson references were combined, this combination would fail to include each and every feature of the present invention. Neither the Sato nor the Hutchinson references teach the presence of a uniformly cylindrical roller, in fact both of these references teach away from making such a combination. A uniformly cylindrical roller such as is taught in the present invention, would either break material placed within it or it would be jammed or broken by having material pushed against it.

18. The references cited by the Examiner cannot be combined in the way that the Examiner has suggested, and even if combined such a combination fails to include each and every feature that has been set forth in the present application.

19. Therefore, Applicant respectfully submits that the present invention is not rendered obvious in view of the prior art and respectfully requests withdrawal of the Examiner's rejections.


Conclusion

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 24th day of April 2006.

Very respectfully,



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Serial # 10/829,086
Examiner: PAHNG, JASON

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service on the below date as first class mail in an envelope addressed to:

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